

Hazardous Materials Safety may terminate an approval issued under this section if he determines that:

(i) Information upon which the approval was based is fraudulent or substantially erroneous; or

(ii) Termination of the approval is necessary to adequately protect against risks to life and property.

(iii) The approval was not issued by the approval agency in good faith.

(2) Before an approval is withdrawn, the Associate Administrator for Hazardous Materials Safety gives the owner or manufacturer and the approval agency:

(i) Written notice of the facts or conduct believed to warrant the withdrawal;

(ii) Opportunity to submit oral and written evidence, and

(iii) Opportunity to demonstrate or achieve compliance with the application requirement.

(3) If the Associate Administrator for Hazardous Materials Safety determines that a certificate of approval must be withdrawn to preclude a significant and imminent adverse affect on public safety, he shall withdraw the certificate of approval issued by a designated approval agency. In such circumstances, the procedures of paragraphs (h)(2)(ii) and (iii) of this section need not be provided prior to withdrawal of the approval, but shall be provided as soon as practicable thereafter.

[Amdt. 173-144, 46 FR 9890, Jan. 29, 1981, as amended by Amdt. 173-185, 50 FR 11052, Mar. 19, 1985; Amdt. 173-224, 56 FR 66279, Dec. 20, 1991; Amdt. 173-253, 61 FR 27174, May 30, 1996]

**§ 173.32b Periodic testing and inspection of Specification IM portable tanks.**

(a) *Periodic testing*—(1) *Hydrostatic test.* Each Specification IM portable tank (§§ 178.270, 178.271 and 178.272 of this subchapter) and all piping, valves and accessories, except pressure-relief devices, shall be hydrostatically tested with water, or other liquid of similar density and viscosity, to a pressure not less than 150 percent of its maximum allowable working pressure. Testing shall be at intervals of not more than five years. While under pressure the tank shall be inspected, for leakage,

distortion, or any other condition which might render the tank unsafe for service. The hydrostatic test shall be witnessed by an approval agency. Any damage or deficiency which might render the portable tank unsafe for service shall be repaired to the satisfaction of the witnessing approval agency and the tank hydrostatically retested. Upon successful completion of the hydrostatic test, the witnessing approval agency shall apply its name, identifying mark or identifying number and the date of the test on the tank as described in paragraph (d) of this section.

(2) *Pressure relief valves.* Spring loaded pressure relief valves must be removed from the tank and tested at intervals of not more than two and one-half years.

(b) *Visual inspection.* Each portable tank and all piping, valves and accessories shall be visually inspected at intervals not exceeding two and one-half years. The inspection shall be conducted by an owner or his agent or by an approval agency, except that it must be conducted by an approval agency coincident with each hydrostatic test required by paragraph (a) of this section. In the case of insulated tanks, insulation need not be removed if, in the opinion of the person performing the visual inspection, external corrosion is likely to be negligible. If evidence of any unsafe condition is discovered, the portable tank may not be returned to service until such condition has been corrected to the satisfaction of the person performing the inspection. The inspection shall include the following:

(1) The tank shall be carefully inspected internally for corroded areas, dents, distortions, defects in welds, and other conditions that might render the tank unsafe for service;

(2) The piping, valves, and gaskets shall be carefully inspected for corroded areas, defects in welds, and other conditions, including leakage, that might render the tank unsafe for service;

(3) Devices for tightening manhole covers must be operative and there must be no leakage at manhole covers or gaskets.

(4) Missing or loose bolts or nuts on any flanged connection or blank flange must be replaced or tightened.

(5) All emergency devices and valves must be free from corrosion, distortion and any damage or defect that could prevent their normal operation.

(6) Required markings on the tank must be legible.

(7) Upon successful completion of the visual reinspection, the inspector shall mark the date of the visual reinspection on the tank as described in paragraph (d) of this section.

(c) *International shipments.* A portable tank that meets the definition of "container" in § 450.3(a)(3) of this title may not be offered for international transport unless the frame work, tank supports and lifting attachments fully comply with all applicable requirements of parts 450—453 of this title.

(d) *Test date marking.* The month and year of the last hydrostatic test, the identification markings of the approval agency witnessing the test, and the date of the last visual inspection must be durably and legibly marked on or near the metal identification plate in letters not less than 3 mm (0.118 inches) high when on the metal identification plate and 32 mm (1.25 inches) high when on the tank.

(e) *Damaged or deteriorated portable tanks.* Without regard to any other test requirement, any tank that shows evidence at any time of damaged or corroded areas, leakage, or other deterioration that indicates a weakness that could render the tank unsafe for service, must be inspected and tested in accordance with the requirements of paragraphs (a) and (b) of this section prior to reuse. Pressure relief devices need not be tested or replaced unless there is reason to believe the relief devices have been affected by the damage or deterioration.

(f) *Record retention.* The owner of each portable tank or his authorized agent shall retain a written record of the date and results of all required tests, (including visual inspections), and the name and address of the person performing the test, until the next retest has been satisfactorily completed and recorded.

[Amdt. 173-144, 46 FR 9891, Jan. 29, 1981]

#### **§ 173.32c Use of Specification IM portable tanks.**

(a) No person may offer a hazardous material for transportation in an IM portable tank except as authorized by this subchapter.

(b) Except as otherwise provided in this subpart, an IM portable tank may not be used for the transportation of a hazardous material unless it meets the requirements of this subchapter.

(c) An IM portable tank for which the prescribed periodic retest or reinspection under § 173.32b of this subchapter has become due may not be filled and offered for shipment until the retest or reinspection has been successfully completed. This paragraph does not apply to any tank filled prior to the test due date.

(d) Prior to filling, each IM portable tank shall be given a complete external inspection. Any unsafe condition must be corrected prior to its use. The external inspection shall include:

(1) A visual inspection of:

(i) The shell, piping, valves and other appurtenances for corroded areas, dents, defects in welds and other defects such as missing, damaged, or leaking gaskets;

(ii) All flanged connections or blank flanges for missing or loose nuts and bolts;

(iii) All emergency devices for corrosion, distortion, or any damage or defect that could prevent their normal operation; and

(iv) All required markings on the tank for legibility.

(2) An inspection to determine that any device for tightening manhole covers is operative and adequate to prevent leakage at the manhole cover.

(e) A hazardous material may not be loaded in an IM portable tank if the part of the tank or any of its appurtenances having contact with the material during transportation would be subject to destructive attack by or a dangerous reaction with the material.

(f) A hazardous material may not be loaded in an IM portable tank unless it has pressure relief devices providing total relieving capacity meeting the requirements of § 178.270-11(d) of this subchapter.